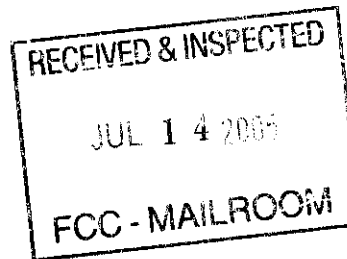


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REMARKS:

CC Docket No. 02-6

REQUEST FOR WAIVER

Form 471 application filing window deadline

Application Numbers	Billed Entity Names	Billed Entity Number
477250	Navajo Nation Library Consortium	233673
486357	Dine Education	16024514
483251	Navajo Nation Head Start	16028599

If you have any other questions or comments, please feel free to give me a call at
(928) 871-6100

FROM: Ernest Franklin, Consortium ManagerPage 1 of 3

NOTE: Unless otherwise notified in writing within ten (10) days, the aforementioned shall be considered factual.

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Joe Shirley, Jr.
President

Frank Dayish, Jr.
Vice-President

TO: Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

FROM: Ernest Franklin, Consortium Manager
Navajo Nation Library Consortium Authorized Contact:
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Phone 928-871-6100
Fax 928 871-6098
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RE: CC Docket No. 02-6
REQUEST FOR WAIVER
Form 471 Application filing window deadline

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<u>Application Numbers</u>	<u>Billed Entity Names</u>	<u>Billed Entity Number</u>
477250	Navajo Nation Library Consortium	233673
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Ya'a'teeh from the people of the Navajo Nation,

The above Form 471's were postmarked February 19, 2005, one day after the Window, placing the ongoing operations of our Library Consortium in grave danger. This will adversely affect thousands of lives of our Navajo people.

The Navajo Nation Library Consortium now serves over 200,000 Navajo people in 111 communities in an area covering over 27,000 square miles. Our sovereign land covers 3 states and 11 Counties. For the past 2 years, because of Erate, we have been able to afford to deliver broadband public access to the Internet via satellite in some of the most rural and remote areas of the United States.

Thousands of our people use this public access everyday to improve and enrich their lives. Without it, thousands of our people will continue to suffer because of the digital divide. This sovereign nation still has an unemployment rate of over 50%. Less than 33% of our people have telephone service. The Navajo Nation Library Consortium is the hope for our people. The Navajo Nation Library Consortium could be the poster child for the whole Universal Access Fund, but it is in grave danger of being discontinued because we missed the filing date by one day.

In addition to the stringent SLD Application process, the Navajo Nation has its own ultra-stringent process that must be followed prior to signing any documents and submission of any type of grant or funding documents.

This process is known as the 164 Review Process. Prior to being authorized to sign any document such as the 471 Form, the document must be first reviewed and approved by the Consortium Members, which in this case are the 111 members of the Library Consortium, the 204 Head Start Library Consortium Members and the Library (316 total entities). Then the Library Consortium Manager submits the document into the 164 Process. The Division of Dine' Education must then review and sign off. The Department of Grants and OMB must then review, approve and forward to the Division of Finance where the Navajo Nation Controller must review and sign off. The procedure continues when the Navajo Nation Department of Justice (legal) must review the document. Once approved by the DOJ, the document can be forwarded to the Office of President where the President's legal staff reviews and provides final approval for the President to authorize the Navajo Nation Library Consortium Manager to sign the 471. This process can take up to 18 months.

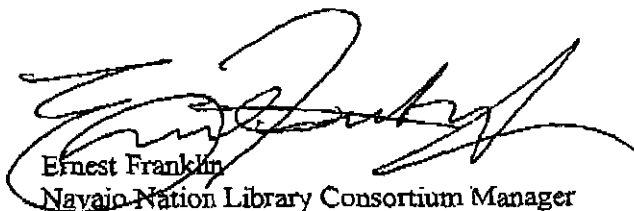
We do not expect the FCC to understand these procedures that make it so hard for us to help ourselves. We understand that our 164 Review Process alone does not necessarily warrant approval of a waiver from the FCC as we have successfully submitted our 471 on a timely basis for the first 2 years. However, we believe it is important for the FCC to understand the 164 Review Process in order to know and sympathize with the underlying reason for the one day delay enough to approve a Waiver.

The SLD changed the 471 Form this year and included the requirement that all buildings have an FSCS number. This additional requirement is nothing less than a monumental task for the Navajo Nation Library Consortium in that we are expanding our program this year to a total of 316 buildings that have never had these FSCS numbers before and we are dealing with 3 states to try and obtain them. Because we did not have the FSCS numbers prior to the 471 submission deadline there was considerable discussion and delay within the Navajo Nation 164 Review Process that resulted in our missing the postmark date of the 471 application date by one day. This in itself is a miracle that we ever actually got the 471 submitted.

Currently, our service provider has been very patient with us in obtaining our funding, and the terms of our service agreement go from July 1 each year. If there is a further delay in our review by the SLD because we are Out of Window then at some point we will have our service cut off. This will affect the lives of thousands of our people, our children and grand children who rely on this service as their only form of communication. We are totally at the mercy of the FCC to approve our waiver request.

Because of the new requirement by the SLD to provide a FSCS number for every building and the Navajo Nation 164 Review Process the delay in filing could not be avoided. Approval of the waiver will certainly will serve the public interest.

Please consider and approve a waiver of the Form 471 application filing window deadline for our Consortium.



Ernest Franklin
Navajo Nation Library Consortium Manager